UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,661	08/01/2003	Steven M. Casey	020366-092000US	3558

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EXAMINER
TIMBLIN, ROBERT M

ART UNIT	PAPER NUMBER
2167	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
10/632,661</td><td>Applicant(s)
CASEY ET AL.</td><td></td></tr>
<tr><td>Examiner
ROBERT TIMBLIN</td><td>Art Unit
2167</td><td></td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _13 March 2009_.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _10-17 and 26-32_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _10-17 and 26-32_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This office action corresponds to application 10/632,661 filed 8/01/2003.

Claims 10-17 and 26-30 have been examined and are pending under prosecution.

Response to Amendment

Claim 10 has been amended and claims 31-32 are newly added. Accordingly, claims 10-17 and 26-32 are pending as per the amendment filed 3/13/2009.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10, and 17, are rejected under 35 U.S.C. 102(b) as being anticipated by Elwahab et al. ('Elwahab' hereinafter) (U.S. Patent Application 2001/0034754 A1).

With respect to claim 10, Elwahab teaches a method for utilizing content objects by a content access point within a customer's premises, wherein the method comprises:

accessing a first content object (0024, API specification of a set of commands) from a first content object entity (20,12) within a customer's premises (abstract), wherein the first content object (0024, API specification of a set of commands) is in a first content format (0024,

i.e. wherein the API specification is in a XML or flat text format) compatible with the first content object entity (20) and wherein the first content object is selected from a group consisting of a voicemail object, an email object, a video object, an audio object, a document object, and an Internet web page (0059; e.g. API specification may be in the form of a Markup-Language-type file or a flat text file to describe an Internet web page or document);

abstracting (0024) first content object (0024, API specification of a set of commands) to create a second content object (28, 30) in an abstract format (0024 and figure 1; i.e. converting this API specification into a set of commands such as contained in a markup language-type page), wherein the abstract format (e.g. XML) is compatible with a plurality of content formats (30, 32; i.e. XML is a known standard for sharing information);

distinguishing (0023 and 0074, e.g. gaining access/controlling a specific computer) the second content object (markup language-type page) to create a third content object (i.e. a command with a smart device), wherein the third content object is compatible with a second content object entity (i.e. the markup language-type page is inherently distinguished to communicate with the respective smart devices of figure 1) within a customer's premises (abstract) wherein the third content object is selected from a group consisting of a voicemail object, an email object, a video object, an audio object, a document object, and an Internet web page, and wherein the third content object (0068; e.g. a command understood by the smart device may refer to a document) is different (abstract; e.g. specific to a device) from the first content format (0068; i.e. Elwahab discusses a Markup-language type page representing a device management message that is understood by the smart device to describe that the commands in markup format are communicated in a [different] format understood by the smart device); and

providing the third content object (i.e. a command with a smart device) to the second

content object entity (smart devices of figure 1) and passing data to the smart device (0028; e.g.

sending a command to a smart refrigerator).

With respect to claim 17, Elwahab teaches querying each of the first plurality of content

object entities to identify a first plurality of content objects as discovery mode [0037];

and providing an access point (as a PC within the premises; [0062]), wherein the access

point indicates the first plurality of content objects (commands, [0038]), and one or more of the

second plurality of content object entities 120 to which each of the first plurality of content

objects can be directed (i.e. smart devices).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth
> in section 102 of this title, if the differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

Claims 11-14, 16, and 26-30 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Elwahab as applied to claims 10, 17, and 23-25 above in view of Jeffrey

(U.S. Patent 6,576,981).

With respect to claim 11, Elwahab teaches the limitations substantially the same as

claims 1-10, and 17-19 presented above.

Elwahab fails to explicitly suggest or teach accessing a fourth content object from a third content object entity wherein the fourth content object is in a third content format compatible with the third content object entity, wherein the fourth content object is selected from a group consisting of a voicemail object, an email object, a video object, an audio object, a document object, and an Internet web page, and wherein the fourth content object is different from the first content format and the second content format; abstracting the fourth content object to create a fifth content object; and combining the fifth content object with the second content object, wherein the combination of the second and fifth content objects are distinguished to create the third content object.

Jeffrey, however, suggests these limitations by using a composite converter (col. 7 lines 14-35) for creating a composite video signal (col. 9 lines 53-55).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because combining the teachings of Jeffrey with Those of Elwahab would have provided the advantage of efficiently integrating broadcast and telecommunications signals from a variety of sources. A further advantage would be permitting interactive signal selection (col. 2 lines 16-30).

With respect to claim 12, Elwahab fails to teach these limitations.

Jeffrey, however, teaches wherein the first content object is a video object 106, and wherein the fourth content object is an audio object 104.

With respect to claim 13, Elwahab fails to teach these limitations.

Jeffrey, however, teaches wherein abstracting the first content object includes separating an audio portion from a video portion of the video object as signal separator 102.

With respect to claim 14, Elwahab teaches wherein the first content object is a video object, and wherein the fourth content object is an Internet object (Markup-language-Type content; [0015]). Elwahab fails to teach a video object whereas Jeffrey teaches a video object 106.

With respect to claim 16, the limitations of this claim are rejected substantially the same as those of claims 11-13 for being similar. Furthermore, Elwahab fails to teach removing a visual portion of the video object, and wherein the second content object includes an audio portion of the video object.

Jeffrey, however teaches this limitation as the function of signal separator to separate and audio/video signal.

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because combining the teachings of Jeffrey with Those of Elwahab would have provided the advantage of efficiently integrating broadcast and telecommunications signals from a variety of sources. A further advantage would be permitting interactive signal selection (col. 2 lines 16-30).

With respect to claim 26, the method of claim 11, wherein the first content object entity is selected from a group consisting of an appliance control system, a telephone information

system, a storage medium including video objects, a storage medium including audio objects, an audio stream source, a video stream source, a human interface, the Internet, and an interactive content entity (drawing reference 20 and 12; e.g. customer premises gateway (CPG)).

With respect to claim 27, the method of claim 26, wherein the second content object entity is selected from a group consisting of an appliance control system, a telephone information system, a storage medium including video objects, a storage medium including audio objects, an audio stream source, a video stream source, a human interface, the Internet, and an interactive content entity (0022, drawing reference 28, e.g. a user's laptop).

With respect to claim 28, the method of claim 27, wherein the first content object entity is different from the second content object entity (drawing references 12 and 28 describe different entities; e.g. a CPG and a laptop).

With respect to claim 29, the method of claim 27, wherein the third content object entity is selected from a group consisting of an appliance control system, a telephone information system, a storage medium including video objects, a storage medium including audio objects, an audio stream source, a video stream source, a human interface, the Internet, and an interactive content entity (fig. 1 smart devices).

With respect to claim 30, the method of claim 29, wherein the first content object entity is different from the second content object entity and the third content object entity (CPG, laptop, and smart devices are different).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Elwahab and Jeffrey as applied to claims 11-14, and 16 above and further in view of Baer et al ('Baer' hereinafter) (U.S. Patent 6,611,840).

With respect to claim 15, the combination of Elwahab and Jeffrey fail to teach these limitations.

Baer, however teaches wherein the method further comprises: identifying a content object associated with one of the first plurality of content object entities that has expired (as an object entity expiration date; col. 13, lines 49-52); and removing the identified content object as removing content (abstract) for deleting and purging information.

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teaching of Baer would have provided the combination of Elwahab and Jeffrey's invention a way to delete information not in use after expiration.

Claims 31-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Elwahab in view of Detlef (U.S. Patent 6,351,523).

With respect to claim 31, Elwahab is not seen to expressly teach the method of claim 10, wherein the first content object comprises a voicemail and the third content object comprises an email.

Detlef, however, teaches wherein the first content object comprises a voicemail and the third content object comprises an email (col. 3 lines 1-19) for providing voicemail and email objects for communication.

Accordingly, in the same field of endeavor, (i.e. device communication and formatting objects), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Detlef would have allowed Elwahab to further communicate with devices on a customer's premise for the benefit giving a user more access and control to a device. Such a need is suggested by Elwahab, drawing references 72 and 70 (i.e. a telephone and PC). Therein the teachings of Detlef would have given a user of Elwahab the capability to store voicemails and communicate them as email objects for expanding communication capabilities.

With respect to claim 32, Elwahab is not seen to expressly teach the method of claim 10, wherein the first content object comprises an email and the third content object comprises a voicemail.

Detlef, however, teaches the first content object comprises an email and the third content object comprises a voicemail (col. 3 lines 20-23) for providing voicemail and email objects for communication.

Accordingly, in the same field of endeavor, (i.e. device communication and formatting objects), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Detlef would have allowed Elwahab to further communicate with devices on a customer's premise for the benefit giving a user more access and control to a device. Such a need is suggested by Elwahab, drawing references 72 and 70 (i.e. a telephone and PC). Therein the teachings of Detlef would have given a user of Elwahab the capability to store voicemails and communicate them as email objects for expanding communication capabilities.

Response to Arguments

Applicant's arguments in the reply filed 3/13/2009 have been fully considered but they are not persuasive.

On pages 6-8 of the reply, Applicant argues that Elwahab fails to disclose abstracting a content object and distinguishing the abstracted content object into a third content object. Applicant further submits that the previous Office Action seems to arguing that the receiving smart device does the distinction (e.g. p. 8 of the reply). Examiner respectfully submits the foregoing argument is unpersuasive.

Specifically, Examiner maintains that Elwahab device specifications/commands that are stored in the CPG are either flat file or markup language objects. Thereafter, these objects are abstracted into a markup language-type page (28) for presentation to a user (e.g. see Elwahab's paragraph 0024). Thereafter, the abstracted first content object (i.e. specification/commands),

now in a markup object, is distinguished *to* a respective smart device (as stated in the previous Office Action). In other words, Elwahab's system distinguishes the abstracted object into a set of commands (e.g. third object to be sent, and thus provided, to a respective smart device. Said distinguishing can further be found in Elwahab wherein a SDIP is responsible for converting the API specification into a set of commands and references to perform different functions on the smart device (i.e. last half of 0024). In other words, the SDIP can be reasonably interpreted as an interfacing component which accepts the content objects in the abstracted format and performs the low-level functions of converting those objects into commands to be provided to the smart devices. Moreover, Examiner submits that the smart devices in Elwahab do not appear to have the capability to perform such "distinction" and thus, the distinguishing of the commands is performed previously to supplying them to the smart devices.

Applicant further argues (p. 8) that device specification/commands cannot reasonably be interpreted as describing the content objects as specifically recited in the claims. Examiner disagrees and submits that as "content objects" is a very broad term, and in light of the claims, an object may broadly define a document object[1], that specifications/commands for a device stored in XML or flat format, that are accessed, displayed as a markup page and then converted into commands that are provided to smart devices, teach said content objects (see further previous Office Action wherein specifications/commands can be likened to documents).

In light of the above, Examiner respectfully maintains that Elwahab discloses such abstracting and distinguishing of objects as claimed.

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[1] Examiner notes that the "is selected from the group consisting of" clause requires only one of the group to be addressed

Applicant further argues (p. 7 of the reply) that Elwahab does not disclose abstracting a first content object comprising a voicemail from a first content object entity into an abstract form, distinguishing that abstract form into a third content object comprising an email, and providing that third content object (email to a second content object entity as recited in claim 31. To the extent that Examiner substantially agrees, Elwahab does not directly disclose abstracting a voicemail and distinguishing the voicemail into an email. Examiner submits, however, that the newly applied Detlef patent in combination with Elwahab addresses this limitation. Further arguments are considered moot in view of the new ground of rejection.

Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,445,694 to Swartz. The subject matter disclosed therein pertains to the pending claims (i.e. conversion of voicemail to email and vice versa).

U.S. Patent Application 2002/0056009 to Affif et al. The subject matter disclosed therein pertains to the pending claims (i.e. abstracting and email to voicemail conversion).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action.   Accordingly, **THIS ACTION IS MADE FINAL**.   See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.   In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action.   In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627.

The examiner can normally be reached on M-Th 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROBERT TIMBLIN/

Examiner, Art Unit 2167

/John R. Cottingham/

Supervisory Patent Examiner, Art Unit 2167